

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**  
**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**  
**PRESIDENT JUDGE GENERAL COURT REGULATION NO. 2003-03**

**In Re: Amendment of Philadelphia Rule of Criminal Procedure**  
**No. 406.1**

**ORDER**

And now, this 19th day of May, 2003, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on May 15, 2003 to amend Philadelphia Rule of Criminal Procedure 406.1, IT IS HEREBY ORDERED that Philadelphia Rule of Criminal Procedure 406.1, attached hereto, is amended effective July 1, 2003.

This General Court Regulation is issued in accordance with Pa.R.Crim.P.No. 105 and 122, and shall become effective July 1, 2003. As required, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Criminal Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

\_\_\_\_\_/s/\_\_\_\_\_  
FREDERICA A. MASSIAH-JACKSON  
PRESIDENT JUDGE  
COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY

**Proposed Amended to Rule 406-1 of the General Criminal Rules of the Criminal  
Division of the Court of Common Pleas of Philadelphia**

**Rule 406-1**

(D) Qualifications for Penalty Phase Counsel

To be appointed penalty counsel, it is required that an attorney:

- (1) Has been admitted to the bar of the Pennsylvania Supreme Court or admitted to practice pro hac vice;
- (2) Is an active practitioner with at least five years litigation (trial and/or appellate) experience in the field of criminal law in this or any other jurisdiction, with at least two of those years being as an active criminal defense attorney;
- (3) Has prior experience as sole or lead counsel in at least ten criminal jury trials of serious and complex cases which were tried to completion in this or any other jurisdiction;
- (4) Has been sole counsel, lead counsel, in three homicide trials in this or any other jurisdiction which resulted in a verdict;

- (5) Has been sole counsel, lead counsel, or penalty phase counsel, in a capital jury trial, which was tried to verdict, or has successfully completed an apprenticeship approved by the Screening Committee of the Philadelphia Bar Association which will include, but is not limited to observation of a capital homicide trial tried to penalty, or in the alternative, has participated in a mock capital trial, the content and format of which has been approved by the Screening Committee;
- (6) Has completed a six hour course in mitigation advocacy, approved by Screening Committee of the Philadelphia Bar Association. Thereafter, three mitigation credits must be acquired by penalty phase counsel each calendar year; and
- (7) Failure to complete CLE requirements specified in clause (6), above, failure to fulfill the requirements of the Philadelphia Mitigation Protocol, which shall be approved by the Homicide Calendar Judge, or for any other good cause shown, shall be grounds for decertification of any attorney certified to accept appointments as penalty phase counsel.